



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUL 17 2012**

Mr. Michael T. Carroll  
Manager, Pittsfield Remediation Programs  
159 Plastics Avenue  
Pittsfield, Massachusetts 01201

Re: PCB Disposal Approval under 40 CFR § 761.61(c)  
Building 9 Sub-Vault

Dear Mr. Carroll:

This is in response to the General Electric Company (GE) Notification dated June 12, 2012 for approval to clean up and dispose of PCB-contaminated concrete in the Building 9 sub-vault (the Site) located at GE's facility in Pittsfield, Massachusetts. The Site contains PCBs that exceeds the allowable PCB levels for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a). GE has provided the Notification to satisfy Paragraph 48.B.ii of the May 2003 Consent Agreement and Order executed between EPA and GE.

In its Notification, GE has proposed the following PCB cleanup and disposal plan:

- Remove uppermost 3-inches of sub-vault concrete floor;
- Fill the entire sub-vault with concrete to match adjacent Building 9 floor elevation (a depth of approximately 9 feet); and,
- Dispose of all PCB wastes as a greater than or equal to ( $\geq$ ) 50 parts per million (ppm) PCB waste at a TSCA permitted disposal facility or a RCRA hazardous waste landfill in accordance with §§ 761.61(a)(5)(i)(B)(2)(iii).

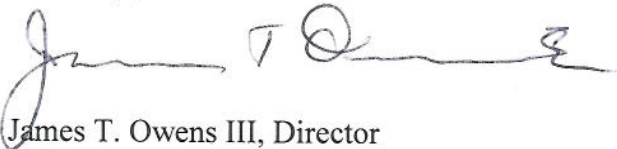
The information provided in the Notification meets the requirements under 40 CFR §§ 761.61(a)(3) and (c). Based on the information provided, EPA has determined that GE's proposed plan is reasonable and that the PCBs to be disposed of in-place will create no unreasonable risk to public health or the environment.

The proposed work will result in removal of high concentration PCB-contaminated concrete and will leave in-place risk-based PCB concentrations consistent with those authorized under the Consent Decree between GE, EPA and other agencies that was entered into U.S. District Court on October 27, 2000. The December 21, 2011 Grant of Environmental Restriction and Easement (ERE) previously established for remedial actions which includes Building 9, is sufficient to meet the deed notice requirements under § 761.61(a)(8).

GE may proceed with its cleanup in accordance with 40 CFR § 761.61(c); its Notification; and this Approval, subject to the conditions of Attachment 1.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'James T. Owens III', with a stylized flourish at the end.

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc: D. Tagliaferro, EPA  
John Ziegler, MassDEP Western Region  
File

Attachment 1: Approval Conditions

## ATTACHMENT 1:

### PCB DISPOSAL APPROVAL CONDITIONS GENERAL ELECTRIC BUILDING 9 SUB-VAULT ("the Site") PITTSFIELD, MASSACHUSETTS

#### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* located at the Site and identified in the Notification.
2. The General Electric Company (GE) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. GE must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, GE shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. GE is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time GE has or receives information indicating that it or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by GE are authorized to conduct the activities set forth in the Notification. GE is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release GE from compliance with any applicable requirements of federal, state or local law, including the *May 2003 Consent Agreement and Order* and the *October 27, 2000 Consent Decree*; or 3) release GE from liability for, or otherwise resolve, any violations of federal, state or local law.

9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

#### **REMEDIAL AND DISPOSAL CONDITIONS**

10. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools or construction of a negative air containment system with a HEPA ventilation system to control emissions, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
11. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

12. GE shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the GE to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
13. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

14. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
15. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

16. GE shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by GE in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
17. GE shall submit a final report in hard copy and on CD-ROM, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities, including photo-log; characterization and confirmation sampling analytical results, if applicable; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer. A copy of the December 21, 2011 Grant of Environmental Restriction and Easement (ERE) shall be included in the final report.
18. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
19. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**